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**BEFORE THE MINNESOTA  
BOARD OF MARRIAGE  
AND FAMILY THERAPY**

**BOARD OF MARRIAGE  
AND FAMILY THERAPY**

In the Matter of  
Gary Graham, L.M.F.T.  
License No. 0182

**STIPULATION  
AND ORDER**

IT IS HEREBY STIPULATED AND AGREED, by and between Gary Graham, L.M.F.T. (Licensee), and the Minnesota Board of Marriage and Family Therapy (Board) as follows:

1. During all times herein, Licensee has been and now is subject to the jurisdiction of the Board, from which he holds a license to practice marriage and family therapy in the State of Minnesota.

**FACTS**

2. For the purpose of this stipulation, the Board may consider the following facts as true:

a. On June 16, 1989, Licensee became licensed as a marriage and family therapist in the State of Minnesota. During all-times relevant herein, Licensee has continued to be licensed by the Board. In addition, Licensee holds a license to practice psychology in Minnesota February 11, 1994.

b. On May 26, 2000, Licensee attended a disciplinary conference with the Board of Psychology's Complaint Resolution Committee to discuss his alleged misconduct with a supervisee. The allegations included that Licensee engaged in unprofessional conduct and failed to protect the welfare of a supervisee by engaging in a personal, emotional and sexual relationship with her.

c. On September 8, 2000, the Board of Psychology adopted a Stipulation and Consent Order reprimanding Licensee, placing his license in a stayed suspension status, and imposing conditions on his license. A true and accurate copy of the Stipulation and Consent

Order that Licensee entered into with the Board of Psychology is attached and incorporated herein as Exhibit A.

### **STATUTES AND RULES**

3. The Board views Licensee's practices as described in paragraph 2 above and in the facts contained in the Board of Psychology Stipulation and Consent Order to be in violation of statutes and rules enforced by the Board. Licensee agrees that the conduct cited above constitutes a violation of Minn. Stat. § 148B.37, subd. 1(1) and (3) (engaging in the practice of marriage and family therapy in a manner harmful or dangerous to a client or to the public and violation of one or more rules of the Board), and Minn. R. 5300.0350, subps. 4 (failure to act in accordance with the highest standards of professional integrity and competence), 4.C. (failure to avoid a dual relationship with a supervisee and engaging in sexual contact with a supervisee within two years of the date the supervisor/supervisee relationship terminated), and 4.R. (engaging in unprofessional conduct). Licensee agrees that the conduct cited above constitutes a reasonable basis in law and fact to justify the disciplinary action provided for in the Order.

### **REMEDY**

4. Upon this stipulation and all of the files, records and proceedings herein and without any further notice or hearing herein, Licensee does hereby consent that until further order of the Board, made after notice and hearing upon application by Licensee or upon the Board's own motion, the Board may make and enter an order as follows:

a. Licensee is **REPRIMANDED** for engaging in the conduct described in paragraphs 2 and 3 above.

b. Licensee's license to practice marriage and family therapy in Minnesota is placed in a **CONDITIONAL** status. Licensee shall comply with all the terms of the Board of Psychology Stipulation and Consent Order incorporated herein as Exhibit A. Licensee shall forward to the Board of Marriage and Family Therapy a copy of all reports and other documentation required by the Board of Psychology Stipulation and Consent Order.

5. All reports shall cover the entire reporting period and provide the bases upon which conclusions were drawn.

6. No condition imposed as a remedy of this Order, including conditions directly related to a restriction, shall be used as a continuing education activity for the purpose of renewal of Licensee's license to practice marriage and family therapy, unless it is specifically stated in this Order that the condition may be used for this purpose.

7. The Board or its authorized representatives shall have the right to discuss Licensee's condition with and obtain records from any person with whom Licensee has contact as a result of his compliance with this Stipulation and Consent Order or as a result of his being examined or his obtaining treatment, counseling, or other assistance on his own initiative or otherwise. Licensee shall execute and provide any health record or other waivers necessary for submission of the reports referenced in the stipulation to enable the Board to obtain the information it desires and to authorize the testimony of those contacted by the Board in any proceeding related to this matter.

8. Upon completion of all terms, provisions and conditions of this Order, Licensee may petition the Board to remove the restrictions and/or conditions. The Board may, at any regularly scheduled meeting at which Licensee has made a timely petition, take any of the following actions:

- a. Remove the conditions attached to the license of Licensee;
- b. Amend the conditions attached to the license of Licensee;
- c. Continue the conditions attached to the license of Licensee upon his failure to meet his burden of proof; and
- d. Impose additional conditions or restrictions on the license of Licensee.

9. At the time his license is in a conditional status, if Licensee shall fail, neglect, or refuse to fully comply with each of the terms, provisions, and conditions herein, the license of Licensee to practice marriage and family therapy in the State of Minnesota shall be suspended immediately upon written notice by the Board to Licensee, such a suspension to remain in full

force and effect until Licensee petitions the Board to terminate the suspension after a hearing. Nothing contained herein shall prevent the Board from revoking or suspending Licensee's license to practice marriage and family therapy in the State of Minnesota after any such hearing.

10. If Licensee's license has been suspended pursuant to paragraph 9 above, Licensee may petition to have the suspension lifted at any regularly scheduled board meeting following Licensee's submission of a petition, provided that the petition is received by the Board at least 20 working days before the Board meeting. The Board shall grant the petition upon a clear showing by Licensee that he has corrected all violations of this Stipulation and Consent Order that were the basis for the suspension. Based on the evidence presented, the Board may impose additional conditions or limitations upon reinstating Licensee's license.

11. This stipulation shall not in any way or manner limit or affect the authority of the Board to proceed against Licensee by initiating a contested case hearing or by other appropriate means on the basis of any act, conduct, or omission of Licensee justifying disciplinary action which occurred before or after the date of this stipulation and which is not directly related to the specific facts and circumstances set forth herein.

12. In the event the Board at its discretion does not approve this settlement or a lesser remedy than indicated in this settlement, then, and in that event, this stipulation is withdrawn and shall be of no evidentiary value and shall not be relied upon nor introduced by either party to this stipulation, except that Licensee agrees that should the Board reject this stipulation and this case proceeds to hearing, Licensee will assert no claim that the Board was prejudiced by its review and discussion of this stipulation or of any records relating to this matter.

13. Any appropriate court may, upon application of the Board, enter its decree enforcing the order of the Board.

14. Licensee has been advised by Board representatives that he may choose to be represented by legal counsel in this matter. Although aware of his right to representation by counsel, Licensee has knowingly and expressly waived that right.

15. Licensee waives all formal hearings on this matter and all other procedures before the Board to which Licensee may be entitled under the Minnesota or United States constitutions, statutes, or rules and agrees that the order to be entered pursuant to the stipulation shall be the final order herein.

16. Licensee hereby acknowledges that he has read, understands, and agrees to this stipulation and has freely and voluntarily signed the stipulation without threat or promise by the Board or any of its members, employees, or agents. When signing the stipulation, Licensee acknowledges that he is fully aware that the stipulation shall be approved by the Board. The Board may either approve the Stipulation and Consent Order as proposed, approve the Stipulation and Consent Order subject to specified change, or reject it. If the changes are acceptable to Licensee, the stipulation will then take effect and the order as modified will be issued. If the changes are unacceptable to Licensee or the Board rejects the stipulation, it will be of no effect except as specified herein.

17. This Stipulation and Consent Order constitutes a disciplinary action against Licensee.

18. This Stipulation and Consent Order is a public document and will be sent to all appropriate data banks.

19. This stipulation contains the entire agreement between the parties there being no other agreement of any kind, verbal or otherwise, which varies this stipulation.

  
GARY GRAHAM, L.M.F.T.  
Licensee

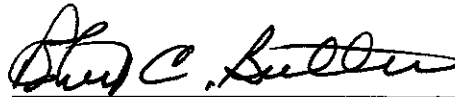
Dated: 11/6/2000, 2000

**ORDER**

Upon consideration of this stipulation and all the files, records, and proceedings herein,

IT IS HEREBY ORDERED that Licensee is REPRIMANDED, his license is placed in a  
CONDITIONAL status, and that all other terms of this stipulation are adopted and implemented  
by the Board this 17<sup>th</sup> day of November, 2000.

MINNESOTA BOARD OF  
MARRIAGE AND FAMILY THERAPY

A handwritten signature in black ink, appearing to read "Robert C. Butler", is written over a horizontal line.

ROBERT C. BUTLER  
Executive Director

AG: 420914, v. 01